

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

DONAL R. EDWARDS,)	
Plaintiff,)	
v.)	CIVIL ACTION NO. 22-00362-KD-B
STATE ALABAMA,)	
Defendant.)	

ORDER

Plaintiff Donal R. Edwards, a pretrial detainee confined at the Escambia County Jail in Brewton, Alabama filed a *pro se* complaint seeking relief under 42 U.S.C. § 1983 (doc. 1). The Court ordered Edwards to refile his complaint, on or before October 11, 2022, using the Court’s current form complaint for a prisoner action under § 1983 (doc. 2). The Court provided Edwards with information that would assist preparing his amended complaint and also explained that the claims in this action appeared to duplicate the claims in Edwards v. Escambia County Corrections, Civil Action No. 22-00117-TFM-N (S. D. Ala. 2022); an earlier-filed § 1983 action which is still pending. The Court explained that if the amended complaint raised the same claims or included allegations regarding the denial of proper medical care and treatment at the Escambia County Jail, this action would be dismissed as duplicative of the earlier-filed action.

In response, Edwards filed a notice stating that he will proceed with Edwards v. Escambia County Corrections but “will not proceed with” this action (doc. 3). The Court construes the notice as Edwards’ notice of voluntary dismissal without prejudice, which is effective upon filing “before the opposing party serves either an answer or a motion for summary judgment” and without a court order. Fed. R. Civ. P. 41(a)(1)(A)(i); Matthews v. Gaither, 902 F.

2d 877, 880 (11th Cir. 1990) and Anago Franchising, Inc. v. Shaz, LLC, 677 F. 3d 1272, 1278 (11th Cir. 2012).

Accordingly, this action having been dismissed without prejudice upon Edwards' notice (doc. 3), the Clerk is directed to close this action.

DONE and **ORDERED** this 12th day of October 2022.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE